

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY DESKOVIC,

Plaintiff,

- against -

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, GEORGE BOLEN,
and ALAN TWEED,

Defendants.
-----X

Docket No. 07 Civ. 8150 (KMK)

**ANSWER TO FIRST AMENDED
COMPLAINT AND CROSS-CLAIMS**

Defendant EUGENE TUMOLO, by his attorneys, STILLMAN, FRIEDMAN &
SHECHTMAN, P.C., as and for his answer to the first amended complaint in the above-captioned
action, sets forth as follows:

1. Deny the allegations contained in ¶ “1” of the amended complaint.
2. Deny the allegations contained in ¶ “2” of the amended complaint.
3. Deny the allegations contained in ¶ “3” of the amended complaint.
4. Deny the allegations contained in ¶ “4” of the amended complaint.
5. Deny the allegations contained in ¶ “5” of the amended complaint.
6. Deny the allegations contained in ¶ “6” of the amended complaint.
7. Deny the allegations contained in ¶ “7” of the amended complaint.
8. Deny the allegations contained in ¶ “8” of the amended complaint.
9. Deny the allegations contained in ¶ “9” of the amended complaint.
10. Deny the allegations contained in ¶ “10” of the amended complaint.

11. Deny the allegations contained in ¶ “11” of the amended complaint, and refer all questions of law to the Court for adjudication.

12. Deny the allegations contained in ¶ “12” of the amended complaint, and refer all questions of law to the Court for adjudication.

13. Admit the allegations contained in ¶ “13” of the amended complaint.

14. Admit the allegations contained in ¶ “14” of the amended complaint.

15. Deny the allegations contained in ¶ “15” of the amended complaint, and refer all questions of law to the Court for adjudication.

16. Deny the allegations contained in ¶ “16” of the amended complaint, and refer all questions of law to the Court for adjudication.

17. Deny the allegations contained in ¶ “17” of the amended complaint, and refer all questions of law to the Court for adjudication.

18. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “18” of the amended complaint, and refer all questions of law to the Court for adjudication.

19. Deny the allegations contained in ¶ “19” of the amended complaint, and refer all questions of law to the Court for adjudication.

20. Deny the allegations contained in ¶ “20” of the amended complaint, and refer all questions of law to the Court for adjudication.

21. Deny the allegations contained in ¶ “21” of the amended complaint, and refer all questions of law to the Court for adjudication.

22. Deny the allegations contained in ¶ “22” of the amended complaint , and refer all questions of law to the Court for adjudication.

23. Deny the allegations contained in ¶ “23” of the amended complaint, and refer all questions of law to the Court for adjudication.

24. Deny the allegations contained in ¶ “24” of the amended complaint, and refer all questions of law to the Court for adjudication.

25. Deny the allegations contained in ¶ “25” of the amended complaint, and refer all questions of law to the Court for adjudication.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “26” of the amended complaint, and refer all questions of law to the Court for adjudication.

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “27” of the amended complaint.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “28” of the amended complaint.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “29” of the amended complaint.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “30” of the amended complaint.

31. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “31” of the amended complaint.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “32” of the amended complaint, except admit that the family of A.C. contacted the Peekskill Police Department and reported her missing.

33. Deny the allegations contained in ¶ “33” of the amended complaint.

34. Deny the allegations contained in ¶ “34” of the amended complaint.

35. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “35” of the amended complaint.

36. Deny the allegations contained in ¶ “36” of the amended complaint.

37. Deny the allegations contained in ¶ “37” of the amended complaint.

38. Deny the allegations contained in ¶ “38” of the amended complaint.

39. Deny the allegations contained in ¶ “39” of the amended complaint.

40. Deny the allegations contained in ¶ “40” of the amended complaint.

41. Deny the allegations contained in ¶ “41” of the amended complaint.

42. Deny the allegations contained in ¶ “42” of the amended complaint.

43. Deny the allegations contained in ¶ “43” of the amended complaint.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “44” of the amended complaint.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “45” of the amended complaint.

46. Deny the allegations contained in ¶ “46” of the amended complaint.

47. Deny the allegations contained in ¶ “47” of the amended complaint.

48. Deny the allegations contained in ¶ “48” of the amended complaint.

49. Deny the allegations contained in ¶ “49” of the amended complaint.

50. Deny the allegations contained in ¶ “50” of the amended complaint.

51. Deny the allegations contained in ¶ “51” of the amended complaint.

52. Deny the allegations contained in ¶ “52 of the amended complaint.

53. Deny the allegations contained in ¶ “53 of the amended complaint.

54. Deny the allegations contained in ¶ “54” of the amended complaint.

55. Deny the allegations contained in ¶ “55” of the amended complaint.

56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “56” of the amended complaint.

57. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “57” of the amended complaint.

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “58” of the amended complaint.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “59” of the amended complaint.

60. Deny the allegations contained in ¶ “60” of the amended complaint.

61. Deny the allegations contained in ¶ “61” of the amended complaint.

62. Deny the allegations contained in ¶ “62” of the amended complaint.

63. Deny the allegations contained in ¶ “63” of the amended complaint.

64. Deny the allegations contained in ¶ “64” of the amended complaint.

65. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “65” of the amended complaint.

66. Deny the allegations contained in ¶ “66” of the amended complaint.

67. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “67” of the amended complaint.

68. Deny the allegations contained in ¶ “68” of the amended complaint.

69. Deny the allegations contained in ¶ “69” of the amended complaint.

70. Deny the allegations contained in ¶ “70” of the amended complaint.

71. Deny the allegations contained in ¶ “71” of the amended complaint.

72. Deny the allegations contained in ¶ “72” of the amended complaint.

73. Deny the allegations contained in ¶ “73” of the amended complaint.

74. Deny the allegations contained in ¶ “74” of the amended complaint.

75. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “75” of the amended complaint.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “76” of the amended complaint.

77. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “77” of the amended complaint.

78. Deny the allegations contained in ¶ “78” of the amended complaint.

79. Deny the allegations contained in ¶ “79” of the amended complaint.

80. Deny the allegations contained in ¶ “80” of the amended complaint.

81. Deny the allegations contained in ¶ “81” of the amended complaint.

82. Deny the allegations contained in ¶ “82” of the amended complaint.

83. Deny the allegations contained in ¶ “83” of the amended complaint.

84. Deny the allegations contained in ¶ “84” of the amended complaint.

85. Deny the allegations contained in ¶ “85” of the amended complaint.

86. Deny the allegations contained in ¶ “86” of the amended complaint.

87. Deny the allegations contained in ¶ “87” of the amended complaint.

88. Deny the allegations contained in ¶ “88” of the amended complaint.

89. Deny the allegations contained in ¶ “89” of the amended complaint.

90. Deny the allegations contained in ¶ “90” of the amended complaint.

91. Deny the allegations contained in ¶ “91” of the amended complaint.
92. Deny the allegations contained in ¶ “92” of the amended complaint.
93. Deny the allegations contained in ¶ “93” of the amended complaint.
94. Deny the allegations contained in ¶ “94” of the amended complaint.
95. Deny the allegations contained in ¶ “95” of the amended complaint.
96. Deny the allegations contained in ¶ “96” of the amended complaint.
97. Deny the allegations contained in ¶ “97” of the amended complaint.
98. Deny the allegations contained in ¶ “98” of the amended complaint.
99. Deny the allegations contained in ¶ “99” of the amended complaint.
100. Deny the allegations contained in ¶ “100” of the amended complaint.
101. Deny the allegations contained in ¶ “101” of the amended complaint.
102. Deny the allegations contained in ¶ “102” of the amended complaint.
103. Deny the allegations contained in ¶ “103” of the amended complaint.
104. Deny the allegations contained in ¶ “104” of the amended complaint.
105. Deny the allegations contained in ¶ “105” of the amended complaint.
106. Deny the allegations contained in ¶ “106” of the amended complaint.
107. Deny the allegations contained in ¶ “107” of the amended complaint.
108. Deny the allegations contained in ¶ “108” of the amended complaint.
109. Deny the allegations contained in ¶ “109” of the amended complaint.
110. Deny the allegations contained in ¶ “110” of the amended complaint.
111. Deny the allegations contained in ¶ “111” of the amended complaint.
112. Deny the allegations contained in ¶ “112” of the amended complaint.
113. Deny the allegations contained in ¶ “113” of the amended complaint.

114. Deny the allegations contained in ¶ “114” of the amended complaint.

115. Deny the allegations contained in ¶ “115” of the amended complaint.

116. Deny the allegations contained in ¶ “116” of the amended complaint.

117. Deny the allegations contained in ¶ “117” of the amended complaint.

118. Deny the allegations contained in ¶ “118” of the amended complaint.

119. Deny the allegations contained in ¶ “119” of the amended complaint.

120. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “120” of the amended complaint.

121. Deny the allegations contained in ¶ “121” of the amended complaint.

122. Deny the allegations contained in ¶ “122” of the amended complaint.

123. Deny the allegations contained in ¶ “123” of the amended complaint.

124. Deny the allegations contained in ¶ “124” of the amended complaint.

125. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “125” of the amended complaint.

126. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “126” of the amended complaint.

127. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “127” of the amended complaint.

128. Deny the allegations contained in ¶ “128” of the amended complaint.

129. Deny the allegations contained in ¶ “129” of the amended complaint.

130. Deny the allegations contained in ¶ “130” of the amended complaint.

131. Deny the allegations contained in ¶ “131” of the amended complaint.

132. Deny the allegations contained in ¶ “132” of the amended complaint.

133. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “133” of the amended complaint.

134. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “134” of the amended complaint.

135. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “135” of the amended complaint.

136. Deny the allegations contained in ¶ “136” of the amended complaint.

137. Deny the allegations contained in ¶ “137” of the amended complaint.

138. Deny the allegations contained in ¶ “138” of the amended complaint.

139. Deny the allegations contained in ¶ “139” of the amended complaint.

140. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “140” of the amended complaint.

141. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “141” of the amended complaint.

142. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “142” of the amended complaint.

143. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “143” of the amended complaint.

144. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “144” of the amended complaint.

145. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “145” of the amended complaint.

146. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “146” of the amended complaint.

147. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “147” of the amended complaint.

148. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “148” of the amended complaint.

149. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “149” of the amended complaint.

150. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “150” of the amended complaint.

151. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “151” of the amended complaint.

152. Deny the allegations contained in ¶ “152” of the amended complaint.

153. Deny the allegations contained in ¶ “153” of the amended complaint.

154. Deny the allegations contained in ¶ “154” of the amended complaint.

155. Deny the allegations contained in ¶ “155” of the amended complaint.

156. Deny the allegations contained in ¶ “156” of the amended complaint, and refer all questions of law to the Court for adjudication.

157. Deny the allegations contained in ¶ “157” of the amended complaint, and refer all questions of law to the Court for adjudication.

158. Deny the allegations contained in ¶ “158” of the amended complaint, and refer all questions of law to the Court for adjudication.

159. Deny the allegations contained in ¶ “159” of the amended complaint, and refer all questions of law to the Court for adjudication.

160. Deny the allegations contained in ¶ “160” of the amended complaint, and refer all questions of law to the Court for adjudication.

161. Deny the allegations contained in ¶ “161” of the amended complaint, and refer all questions of law to the Court for adjudication.

162. Deny the allegations contained in ¶ “162” of the amended complaint, and refer all questions of law to the Court for adjudication.

163. Deny the allegations contained in ¶ “163” of the amended complaint, and refer all questions of law to the Court for adjudication.

164. Deny the allegations contained in ¶ “164” of the amended complaint, and refer all questions of law to the Court for adjudication.

165. Deny the allegations contained in ¶ “165” of the amended complaint, and refer all questions of law to the Court for adjudication.

166. Deny the allegations contained in ¶ “166” of the amended complaint, and refer all questions of law to the Court for adjudication.

167. Deny the allegations contained in ¶ “167” of the amended complaint, and refer all questions of law to the Court for adjudication.

168. Deny the allegations contained in ¶ “168” of the amended complaint, and refer all questions of law to the Court for adjudication.

169. Deny the allegations contained in ¶ “169” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT I

170. As and for a response to the allegations contained in ¶ “170” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “169” of the amended complaint, as though they were fully set forth herein.

171. Deny the allegations contained in ¶ “171” of the amended complaint, and refer all questions of law to the Court for adjudication.

172. Deny the allegations contained in ¶ “172” of the amended complaint.

173. Deny the allegations contained in ¶ “173” of the amended complaint.

174. Deny the allegations contained in ¶ “174” of the amended complaint.

175. Deny the allegations contained in ¶ “175” of the amended complaint.

176. Deny the allegations contained in ¶ “176” of the amended complaint.

177. Deny the allegations contained in ¶ “177” of the amended complaint, and refer all questions of law to the Court for adjudication.

178. Deny the allegations contained in ¶ “178” of the amended complaint.

COUNT II

179. As and for a response to the allegations contained in ¶ “179” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “178” of the amended complaint, as though they were fully set forth herein.

180. Deny the allegations contained in ¶ “180” of the amended complaint, and refer all questions of law to the Court for adjudication.

181. Deny the allegations contained in ¶ “181” of the amended complaint, and refer all questions of law to the Court for adjudication.

182. Deny the allegations contained in ¶ “182” of the amended complaint.

183. Deny the allegations contained in ¶ “183” of the amended complaint, and refer all questions of law to the Court for adjudication.

184. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “184” of the amended complaint, and refer all questions of law to the Court for adjudication.

185. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “185” of the amended complaint.

186. Deny the allegations contained in ¶ “186” of the amended complaint, and refer all questions of law to the Court for adjudication.

187. Deny the allegations contained in ¶ “187” of the amended complaint, and refer all questions of law to the Court for adjudication.

188. Deny the allegations contained in ¶ “188” of the amended complaint, and refer all questions of law to the Court for adjudication.

189. Deny the allegations contained in ¶ “189” of the amended complaint, and refer all questions of law to the Court for adjudication.

190. Deny the allegations contained in ¶ “190” of the amended complaint.

COUNT III

191. As and for a response to the allegations contained in ¶ “191” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “190” of the amended complaint, as though they were fully set forth herein.

192. Deny the allegations contained in ¶ “192” of the amended complaint, and refer all questions of law to the Court for adjudication.

193. Deny the allegations contained in ¶ “193” of the amended complaint.

194. Deny the allegations contained in ¶ “194” of the amended complaint, and refer all questions of law to the Court for adjudication.

195. Deny the allegations contained in ¶ “195” of the amended complaint, and refer all questions of law to the Court for adjudication.

196. Deny the allegations contained in ¶ “196” of the amended complaint, and refer all questions of law to the Court for adjudication.

197. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “197” of the amended complaint.

198. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “198” of the amended complaint.

199. Deny the allegations contained in ¶ “199” of the amended complaint.

200. Deny the allegations contained in ¶ “200” of the amended complaint.

201. Deny the allegations contained in ¶ “201” of the amended complaint, and refer all questions of law to the Court for adjudication.

202. Deny the allegations contained in ¶ “202” of the amended complaint.

COUNT IV

203. As and for a response to the allegations contained in ¶ “203” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “202” of the amended complaint, as though they were fully set forth herein.

204. Deny the allegations contained in ¶ “204” of the amended complaint, and refer all questions of law to the Court for adjudication.

205. Deny the allegations contained in ¶ “205” of the amended complaint.

206. Deny the allegations contained in ¶ “206” of the amended complaint, and refer all questions of law to the Court for adjudication.

207. Deny the allegations contained in ¶ “207” of the amended complaint.

COUNT V

208. As and for a response to the allegations contained in ¶ “208” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “207” of the amended complaint, as though they were fully set forth herein.

209. Deny the allegations contained in ¶ “209” of the amended complaint, and refer all questions of law to the Court for adjudication.

210. Deny the allegations contained in ¶ “210” of the amended complaint, and refer all questions of law to the Court for adjudication.

211. Deny the allegations contained in ¶ “211” of the amended complaint, and refer all questions of law to the Court for adjudication.

212. Deny the allegations contained in ¶ “212” of the amended complaint.

COUNT VI

213. As and for a response to the allegations contained in ¶ “213” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “212” of the amended complaint, as though they were fully set forth herein.

214. Deny the allegations contained in ¶ “214” of the amended complaint, and refer all questions of law to the Court for adjudication.

215. Deny the allegations contained in ¶ “215” of the amended complaint, and refer all questions of law to the Court for adjudication.

216. Deny the allegations contained in ¶ “216” of the amended complaint, and refer all questions of law to the Court for adjudication.

217. Deny the allegations contained in ¶ “217” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT VII

218. As and for a response to the allegations contained in ¶ “218” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “217” of the amended complaint, as though they were fully set forth herein.

219. Deny the allegations contained in ¶ “219” of the amended complaint, and refer all questions of law to the Court for adjudication.

220. Deny the allegations contained in ¶ “220” of the amended complaint, and refer all questions of law to the Court for adjudication.

221. Deny the allegations contained in ¶ “221” of the amended complaint.

COUNT VIII

222. As and for a response to the allegations contained in ¶ “222” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “221” of the amended complaint, as though they were fully set forth herein.

223. Deny the allegations contained in ¶ “223” of the amended complaint.

224. Deny the allegations contained in ¶ “224” of the amended complaint.

225. Deny the allegations contained in ¶ “225” of the amended complaint.

COUNT IX

226. As and for a response to the allegations contained in ¶ “226” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “225” of the amended complaint, as though they were fully set forth herein.

227. Deny the allegations contained in ¶ “227” of the amended complaint, and refer all questions of law to the Court for adjudication.

228. Deny the allegations contained in ¶ “228” of the amended complaint, and refer all questions of law to the Court for adjudication.

229. Deny the allegations contained in ¶ “229” of the amended complaint, and refer all questions of law to the Court for adjudication.

230. Deny the allegations contained in ¶ “230” of the amended complaint, and refer all questions of law to the Court for adjudication.

231. Deny the allegations contained in ¶ “231” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT X

232. As and for a response to the allegations contained in ¶ “232” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “231” of the amended complaint, as though they were fully set forth herein.

233. Deny the allegations contained in ¶ “233” of the amended complaint, and refer all questions of law to the Court for adjudication.

234. Deny the allegations contained in ¶ “234” of the amended complaint, and refer all questions of law to the Court for adjudication.

235. Deny the allegations contained in ¶ “235” of the amended complaint, and refer all questions of law to the Court for adjudication.

236. Deny the allegations contained in ¶ “236” of the amended complaint, and refer all questions of law to the Court for adjudication.

237. Deny the allegations contained in ¶ “237” of the amended complaint, and refer all questions of law to the Court for adjudication.

238. Deny the allegations contained in ¶ “238” of the amended complaint, and refer all questions of law to the Court for adjudication.

239. Deny the allegations contained in ¶ “239” of the amended complaint, and refer all questions of law to the Court for adjudication.

240. Deny the allegations contained in ¶ “240” of the amended complaint, and refer all questions of law to the Court for adjudication.

241. Deny the allegations contained in ¶ “241” of the amended complaint, and refer all questions of law to the Court for adjudication.

242. Deny the allegations contained in ¶ “242” of the amended complaint.

COUNT XI

243. As and for a response to the allegations contained in ¶ “243” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “242” of the amended complaint, as though they were fully set forth herein.

244. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “244” of the amended complaint, and refer all questions of law to the Court for adjudication.

245. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “245” of the amended complaint, and refer all questions of law to the Court for adjudication.

246. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “246” of the amended complaint, and refer all questions of law to the Court for adjudication.

247. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “247” of the amended complaint.

COUNT XII

248. As and for a response to the allegations contained in ¶ “248” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “247” of the amended complaint, as though they were fully set forth herein.

249. Deny the allegations contained in ¶ “249” of the amended complaint, and refer all questions of law to the Court for adjudication.

250. Deny the allegations contained in ¶ “250” of the amended complaint, and refer all questions of law to the Court for adjudication.

251. Deny the allegations contained in ¶ “251” of the amended complaint, and refer all questions of law to the Court for adjudication.

252. Deny the allegations contained in ¶ “252” of the amended complaint, and refer all questions of law to the Court for adjudication.

253. Deny the allegations contained in ¶ “253” of the amended complaint, and refer all questions of law to the Court for adjudication.

254. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “254” of the amended complaint, and refer all questions of law to the Court for adjudication.

255. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “255” of the amended complaint, and refer all questions of law to the Court for adjudication.

256. Deny the allegations contained in ¶ “256” of the amended complaint.

257. Deny the allegations contained in ¶ “257” of the amended complaint.

258. Deny the allegations contained in ¶ “258” of the amended complaint, and refer all questions of law to the Court for adjudication.

259. Deny the allegations contained in ¶ “259” of the amended complaint.

COUNT XIII

260. As and for a response to the allegations contained in ¶ “260” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “259” of the amended complaint, as though they were fully set forth herein.

261. Deny the allegations contained in ¶ “261” of the amended complaint, and refer all questions of law to the Court for adjudication.

262. Deny the allegations contained in ¶ “262” of the amended complaint, and refer all questions of law to the Court for adjudication.

263. Deny the allegations contained in ¶ “263” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT XIV

264. As and for a response to the allegations contained in ¶ “264” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “263” of the amended complaint, as though they were fully set forth herein.

265. Deny the allegations contained in ¶ “265” of the amended complaint, and refer all questions of law to the Court for adjudication.

266. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ “266” of the amended complaint, and refer all questions of law to the Court for adjudication.

267. Deny the allegations contained in ¶ “267” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT XV

268. As and for a response to the allegations contained in ¶ “268” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “267” of the amended complaint, as though they were fully set forth herein.

269. Deny the allegations contained in ¶ “269” of the amended complaint, and refer all questions of law to the Court for adjudication.

270. Deny the allegations contained in ¶ “270” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT XVI

271. As and for a response to the allegations contained in ¶ “271” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “270” of the amended complaint, as though they were fully set forth herein.

272. Deny the allegations contained in ¶ “272” of the amended complaint, and refer all questions of law to the Court for adjudication.

273. Deny the allegations contained in ¶ “273” of the amended complaint, and refer all questions of law to the Court for adjudication.

COUNT XVII

274. As and for a response to the allegations contained in ¶ “274” of the amended complaint, defendants repeat and reallege their responses to the allegations contained in ¶¶ “1” through “273” of the amended complaint, as though they were fully set forth herein.

275. Deny the allegations contained in ¶ “275” of the amended complaint, and refer all questions of law to the Court for adjudication.

FIRST AFFIRMATIVE DEFENSE

276. Plaintiff’s amended complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

277. The individual defendants are entitled to absolute immunity.

THIRD AFFIRMATIVE DEFENSE

278. The individual defendants are entitled to qualified immunity.

FOURTH AFFIRMATIVE DEFENSE

279. Plaintiff’s claims are barred by res judicata and/or collateral estoppel.

FIFTH AFFIRMATIVE DEFENSE

280. Plaintiff has failed to pursue appropriate administrative or state law remedies.

SIXTH AFFIRMATIVE DFEFENSE

281. Plaintiff’s procedural due process claim is barred by the availability of state law remedies.

SEVENTH AFFIRMATIVE DEFENSE

282. Plaintiff has failed to mitigate his damages.

EIGHTH AFFIRMATIVE DEFENSE

283. Plaintiff's claims against the Peekskill defendants are barred because plaintiff cannot demonstrate that any of their actions caused plaintiff to suffer damages.

NINTH AFFIRMATIVE DEFENSE

284. Plaintiff's claims are barred, in whole or in part, by the statute of limitations.

TENTH AFFIRMATIVE DEFENSE

285. Plaintiff's damages were caused or contributed to by ineffective assistance of counsel at all stages of plaintiff's prosecution.

ELEVENTH AFFIRMATIVE DEFENSE

286. Plaintiff's damages were caused or contributed to by professional legal malpractice committed by his attorneys at all stages of plaintiff's prosecution.

TWELFTH AFFIRMATIVE DEFENSE

287. Plaintiff's damages were caused or contributed to by a conflict of interest on the part of the attorneys representing plaintiff during his prosecution.

THIRTEENTH AFFIRMATIVE DEFENSE

288. Plaintiff's damages were caused or contributed to by the fact that the attorney representing plaintiff in connection with a possible *habeas corpus* petition committed professional malpractice.

FOURTEENTH AFFIRMATIVE DEFENSE

289. Plaintiff's arrest and detention by defendants was lawful, privileged, and authorized by New York State CPL. § 140.10.

FIFTEENTH AFFIRMATIVE DEFENSE

290. Defendants had probable cause to arrest plaintiff.

SIXTEENTH AFFIRMATIVE DEFENSE

291. The injuries, losses, damages, and occurrences alleged in plaintiff's amended complaint were the result of an independent and intervening cause or causes over which the answering defendants had no control or right to control and in no way participated.

SEVENTEENTH AFFIRMATIVE DEFENSE

292. If plaintiff has been injured and damaged as alleged in the amended complaint, such injury and damage were caused and contributed to by plaintiff's own conduct, negligence, carelessness, or want of care; and, if it be determined that plaintiff is entitled to recovery herein as against answering defendant, such recovery should be apportioned between plaintiff and answering defendant according to their relative responsibility therefor.

EIGHTEENTH AFFIRMATIVE DEFENSE

293. If plaintiff has been damaged or injured as alleged in the amended complaint, and such damage or injury was not sustained solely as a result of plaintiff's own negligence, carelessness, culpable conduct, or want of care, such damage and injury were brought about by the negligence, carelessness, culpable conduct, want of care, and intentional acts of third parties over whom the answering defendants had no control and for whose negligence, carelessness, want of care, and intentional criminal acts the answering defendant is not responsible.

NINETEENTH AFFIRMATIVE DEFENSE

294. All hazards and risks incident to the circumstances set forth in plaintiff's amended complaint were obvious and apparent, and were readily assumed by plaintiff.

TWENTIETH AFFIRMATIVE DEFENSE

295. If any liability is found as against answering defendants, this liability will constitute fifty percent (50%) or less of all liability assigned to all parties liable, and, as such, the liability of answering defendants to plaintiff for non-economic loss shall be limited, and shall not exceed answering defendants' equitable share, as provided in C.P.L.R. Article 16.

TWENTY-FIRST AFFIRMATIVE DEFENSE

296. Defendants had reasonable cause to believe that plaintiff had committed the crime for which plaintiff was arrested and charged.

TWENTY-SECOND AFFIRMATIVE DEFENSE

297. Plaintiff was not deprived of any constitutional or civil rights pursuant to a policy, practice, custom, or procedure of the City of Peekskill.

**AS AND FOR A FIRST CROSS-CLAIM AGAINST
DEFENDANTS PUTNAM COUNTY, WESTCHESTER
COUNTY, DANIEL STEPHENS, LOUIS ROH, MILLARD
HYLAND, GEORGE BOLEN, AND ALAN TWEED,
DEFENDANT ALLEGES:**

298. If plaintiff sustained any injuries as alleged, other than through his own negligence, and if the answering defendant is found liable to plaintiff for any portion of those damages, then such liability shall derive from the carelessness, recklessness, negligence or intentional acts, or commissions or omissions, on the part of the co-defendants Putnam County, Westchester County, Daniel Stephens, Louis Roh, Millard Hyland, George Bolen, and Alan Tweed, without any carelessness, recklessness, negligence or intentional acts, or commissions or omissions on the part of the answering defendant and, accordingly, the answering defendant is entitled to common-law and/or contractual indemnification over and against co-defendants Putnam County, Westchester County,

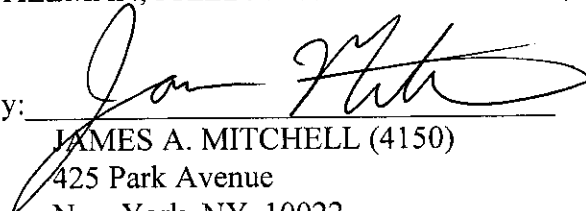
Daniel Stephens, Louis Roh, Millard Hyland, George Bolen, and Alan Tweed for the amount of any such award.

**AS AND FOR A SECOND CROSS-CLAIM AGAINST
DEFENDANTS PUTNAM COUNTY, WESTCHESTER
COUNTY, DANIEL STEPHENS, LOUIS ROH, MILLARD
HYLAND, GEORGE BOLEN, AND ALAN TWEED,
DEFENDANT ALLEGES:**

299. If plaintiff sustained the damages in the manner and at the time and place alleged through any carelessness, recklessness, negligence or intentional acts, or commissions or omissions other than plaintiff's own, then said damages were sustained in whole or in part by reason of the carelessness, recklessness, negligence or intentional acts, or commissions or omissions on the part of co-defendants Putnam County, Westchester County, Daniel Stephens, Louis Roh, Millard Hyland, George Bolen, and Alan Tweed, and, if any judgment is recovered herein against the answering defendant then the answering defendant would be damaged thereby and would be entitled to contribution on the basis of apportionment of responsibility for the alleged occurrence and entitled to judgment over and against co-defendants Putnam County, Westchester County, Daniel Stephens, Louis Roh, Millard Hyland, George Bolen, and Alan Tweed, for all or part of any verdict or judgment that plaintiff may recover against the answering defendant, together with costs, disbursements and attorneys' fees for this action.

Dated: New York, New York
July 7, 2008

STILLMAN, FRIEDMAN & SHECHTMAN, P.C.

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